

**TENNESSEE MOTOR VEHICLE COMMISSION
BOARD MEETING
July 13, 2009 9:30 A.M.
CONFERENCE ROOM 160
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.
NASHVILLE, TENNESSEE 37243**

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
BRENT SMITH	X	
EDDIE ROBERTS	X	
JOHN BARKER	X	
GEORGE BASS	X	
KENT BEWLEY		X
MELISSA BLANKENSHIP	X	
KEVIN CULLUM		X
DONNIE HATCHER	X	
NATE JACKSON	X	
CHAD JONES		X
ALLEN LEWIS	X	
TRAVIS MCDONOUGH	X	
STAN MCNABB		X
FARRAR SCHAEFFER	X	
BRENDA SPEER	X	
RONNIE FOX	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Brent Smith on July 13, 2009. Roll Call was taken with a total of (12) member's present.

A Motion was made by Commissioner Allen Lewis, and seconded by Commissioner George Bass, to approve the minutes from the April meeting.

MOTION PASSED UNANIMOUSLY

Executive Director Leon Stribling introduced Mr. Ronnie Fox as the newest Commission member.

REVIEW COMMITTEE

The Review Committee advised the Commission that the Committee had discussed the attached legal report with counsel and moved that the Commission adopt the attorney's recommendations.

The following files do not allege that a violation of the laws and rules of the Motor Vehicle Commission occurred or the Commission has no jurisdiction.

1. **Case Nos.:** 2009008431
 2008021801
 2009000791
 2009004701
 2009004681
 2008027171
 2009008071
 2009008171
 2008021810
 2009 006001
 2009004611
 2009005891
 2009005861
 2009004751
 2009001001
 2009005681
 2009003831
 2009004851
 2009003851
 2008017661
 2009000871
 2008022701
 2009004761
 2008025761
 2009007171
 2008026701

Recommendation: Close, No Violation.

There is insufficient evidence in the following files to prove a violation of the laws and rules of the Motor Vehicle Commission.

2. **Case Nos.:** 2008009281
 2008019311
 2009005881
 2009003221
 2008020691
 2008026171
 2008013041
 2008013021
 2008014611
 2008025741
 2008017871

Recommendation: Close.

The following complaints have been settled by the parties.

3. **Case Nos.: 2009008091
 2008026381
 2009007191
 2009005881**

Recommendation: Close.

4. **Case No.: 2009006741**
Advertising Violation

Recommendation: Letter of Warning.

5. **Case No.: 2009002761, 2009003261, 2009010761, & 2009009431**
Fraud, unlicensed salesman, unlicensed dealer location, and failure to deliver titles,

**Recommendation: Voluntary surrender of license or Formal Hearing for
 license revocation.**

6. **Case No: 2009001771**
Respondent was cited \$500 for issuing more than 2 drive out tags. Citation remains unpaid.

**Recommendation: Authorization for Consent Order of up to \$1,500 or Formal
Hearing.**

7. **Case No: 2009000681**
Respondent was cited \$750 for temp tag log information missing and failure to post city
& county business license in violation of Tenn. Code Ann. 55-17-114 and MVC Rule
0960-1-.11. Respondent contests the amount of the citation as excessive and requests
that the penalties be dropped.

**Recommendation: Uphold the penalty amount of \$750 for a Consent Order or
Formal Hearing.**

8. **Case No: 2009001801**
Respondent was cited \$1,000 for possession of two open titles. Respondent sent in a
reply explaining the discrepancy and appealed for rescinding the penalty.

Recommendation: Rescind the penalty amount.

The following are cases where the dealers are no longer in operation.

9. **Case Nos.: 2009005471
 2008025891**

2008026071
20080025471
2008009061
2008009121
2007087101
2009008101
2008005721
2008009201
2008010471
2007076551
2009000121
2008008891
2009001761
2009002231
2008016331
2008020511
2008017391
2008016851
2008017701
2008017731
2008017181

Recommendation: Close and flag.

Motion made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer to approve the recommendations.

APPEALS

The following appeals were heard by Commission.

Timothy Michael Nechrobecki, Dunn Pontiac-Buick-GMC,LLC, Madison, TN

Staff denied application

No show- Denial upheld

Motion made by Commissioner Eddie Roberts, and seconded by Commissioner Allen Lewis to deny the license.

Voice vote unanimous

Edward Q. Vaughn, Car Finders, LLC, Greenbrier, TN
Staff denied application
No show-Denial upheld

Motion made by Commissioner Donnie Hatcher, and seconded by Commissioner Eddie Roberts to deny the license.

Voice vote unanimous

DEALER APPEAL

Metro Moto, Memphis, TN
Staff denied application

Motion made by Commissioner Donnie Hatcher and seconded by Commissioner Eddie Roberts to grant the license.

Roll call vote passed unanimous

Safety Auto Sales and Repair, LaVergne, TN
License denied at April 13, 2009 meeting pending proof that Mr. Daraei had mailed the title to the owner of the vehicle. Mr. Daraei showed the Commission that he had sent it certified mail.

Motion made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer to approve Mr. Daraei to continue with his application to open a new dealership.

Voice vote unanimous

STAFF ATTORNEY'S REPORT

Staff Attorney Aaron Rochelle read the complaint numbers that were presented before the Review Committee into the minutes. Review Committee agreed with all recommendations made by the staff attorney.

DIRECTORS REPORT

Since the last Commission meeting in April 2009 the following actions have been taken:

Dealers Opened, or Relocated138

Active Licensees as of July 1, 2009

Dealers.....4374
Applications in Process.....53

Distributions/Manufacturers	160
Auctions.....	32
Representatives.....	295
Salespeople.....	13424
Dismantlers.....	367
RV Dealers.....	21
RV Manufacturers.....	84
Motor Vehicle Show Permits Issued Since April, 2009.....	4
Revenue Received	\$ 400.00

Motion made by Commissioner Nate Jackson, and seconded by Commissioner Allen Lewis to approve the Directors report.

Motion passed unanimous.

Old Business

None

New Business

Dealers requesting more dealer plates.
Barnes Auto Mart-Chestnut Mound, TN
Car Depot Inc.-Springfield, TN

If dealer requests more dealers' plates than allowed by sales reflected on annual sales report, dealers must show that at least 24 vehicles have been sold since last annual reporting period.

The list must include purchasers name and address, make, model and vin number, sales date, and sales tax collected.

Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Allen Lewis to let the Executive Director approve request for additional dealer plates if above stated requirements are fulfilled.

Commission nominated Melissa Blankenship to be added to the Rules Committee as a Consumer member.

Meeting Adjourned.

Brent Smith, Chairman

Leon Stribling, Executive Director